



Fast Track Proposed Regulation Agency Background Document

Agency name	Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC76-40
Regulation title	Regulations Governing Emergency Contact Information
Action title	Adds Athletic Trainers to list of practitioners
Document preparation date	11/17/04

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

The proposed amendment to the existing regulation would add licensed athletic trainers to the listing of health care practitioners from whom emergency contact information would be requested for the purpose of disseminating information in case of a public health emergency.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On November 12, 2004, the Director of the Department of Health Professions determined to amend 18VAC76-40-10 et seq., Regulations Governing Emergency Contact Information through a fast-track action in response to a petition for rule-making from the Board of Medicine.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

The legislative mandate for promulgation of 18 VAC 76-40-10 is found in Chapter 602 of the 2003 Acts of the Assembly:

CHAPTER 602

An Act to amend and reenact § 54.1-2506.1 of the Code of Virginia, relating to health practitioner contact information for a public health emergency; emergency.

Be it enacted by the General Assembly of Virginia:

1. That § [54.1-2506.1](#) of the Code of Virginia is amended and reenacted as follows:

§ [54.1-2506.1](#). Submission of required information.

A. The Department is authorized to require individuals applying for initial licensure and individuals who are licensed to practice medicine, osteopathic medicine, dentistry, or to practice as a physician assistant, nurse practitioner or dental hygienist, to provide information in addition to that which is required to determine the individual's qualifications to be licensed. Such additional information shall identify the individual's specialty and subspecialty; credentials and certifications issued by professional associations, institutions and boards; and locations of practice and number of hours spent practicing at each practice location. Such information shall be collected and maintained by the Department for manpower planning purposes in cooperation with agencies and institutions of the Commonwealth and shall be released by the Department only in the aggregate without reference to any licensee's name or other individual identifying particulars. Prior to collecting any information described in this section from individual licensees, the Department shall first attempt to obtain from other sources information sufficient for manpower planning purposes.

B. For the purpose of expediting the dissemination of information about a public health emergency, the Department is authorized to require certain licensed, certified or registered persons to report any email address, telephone number and facsimile number that may be used to contact such person in the event of a public health emergency. Such email addresses, telephone numbers and facsimile numbers shall not be published, released or made available for any other purpose. The Director, in consultation with the Department of Health and the Department of Emergency Management, shall adopt regulations that identify those licensed, certified or registered persons to which the requirement to report shall apply and the procedures for reporting.

The authority for the initial promulgation of regulation was mandatory; the authority for amending the regulation to add another profession is discretionary.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The amended regulation is in response to a petition to the Director of the Department from the Advisory Board on Athletic Training and the Board of Medicine. Athletic trainers on the Advisory Board believe that the knowledge and skills of athletic trainers will be of considerable benefit to the citizens of the Commonwealth should a public health emergency or disaster occur. Athletic trainers are experienced in emergency response to injury and in the prevention of injury, so their expertise could be important for the protection of the health and safety of persons involved in an emergency as well as for the responders to the emergency.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Since this regulatory action is taken at the request of the regulated practitioners who will be affected by it, the Director believes the action should have no objection. In addition, the need to implement the emergency contact system to inform health care professionals about or to solicit volunteer assistance in a public health emergency could occur at any time. Therefore, the initial collection of emergency contact information on licensed athletic trainers should begin at the earliest possible time.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

The only change is the addition of athletic trainers in section 10 to the listing of professions who are required to report emergency contact information.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
 - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and
 - 3) other pertinent matters of interest to the regulated community, government officials, and the public.
- If there are no disadvantages to the public or the Commonwealth, please indicate.

- 1) The primary advantage to the public would be that there would be an additional group of health care professionals available for contact and assistance in case of a public health emergency or disaster. There are no disadvantages.
- 2) The Department of Health and the Department of Emergency Management would have access to additional health care workers in case of a public health emergency. There are no disadvantages.
- 3) There is no other pertinent matter of interest.

Financial impact

Please identify the anticipated financial impact of the proposed regulation and at a minimum provide the following information:

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners or entities for necessary functions of regulation. There would be a one-time expense of approximately \$2,000 for mailing instructions and revising the data system to include a new profession. Data has estimated \$800 for two mailings for postage and forms and approximately \$800 in staff time to setup a new profession in License 2000 and companion module MyLicense for the ECI online forms. Entry of paper ECI information that will need to be keyed by the Call Center staff would cost less than \$400. There would be no on-going expenditures, as emergency contact information is updated in conjunction with renewal of licensure.</p>
<p>Projected cost of the regulation on localities</p>	<p>There would be no cost to localities</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>The entities affected would be licensed athletic trainers who live in Virginia or in a contiguous state or the District of Columbia.</p>
<p>Agency’s best estimate of the number of such entities that will be affected</p>	<p>There are approximately 672 athletic trainers in Virginia and 21 out of state.</p>
<p>Projected cost of the regulation for affected individuals, businesses, or other entities</p>	<p>There would be no cost to athletic trainers who would be able to provide information on the web or by calling toll-free to the DHP call center.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

At its September 23, 2004 meeting, the Advisory Board on Athletic Training voted to recommend that athletic trainers be included in the DHP list of professions required to provide emergency contact information for use in a public health emergency/disaster. The advisory board believes that the knowledge and skills of athletic trainers will be of considerable benefit to the citizens of the Commonwealth should an event such as the Pentagon disaster ever occur again. The Advisory Board’s request was reviewed and discussed at the meeting of the full Board of Medicine on October 14, 2004 and supported unanimously.

In order to ensure that athletic trainers are contacted in a public health emergency, either to disseminate information or to solicit them for volunteer practice, it would be necessary to include that profession in the listing. When the original listing was compiled in 2003 with the adoption of emergency regulations, athletic trainers were not a licensed profession. Legislation in the 2004 changed their status from mandatory certification to licensure, so any person practicing the profession of athletic training must hold a license issued by the Board of Medicine. Therefore, it is appropriate for athletic trainers to be included among other professions who might be called upon to respond to an emergency that might entail large numbers of injured persons.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

There would be no impact of the proposed regulatory action on the institution of the family and family stability.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10	n/a	Lists in alphabetical order	Would add licensed athletic trainers to the list

		19 types of health professions required to report emergency contact information for use in a public health emergency	of professions required to report.
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